Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	

REPLY COMMENTS OF AT&T CORP.

AT&T Corp. ("AT&T") submits these reply comments in response to the Commission's Further Notice of Proposed Rulemaking in CC Docket No. 95-116 (*"Further Notice"*).[1] In the *Further Notice,* the Commission seeks comment on the porting of numbers by wireless carriers to wireline carriers when the rate center associated with the wireless number differs from the rate center in which the wireline carrier seeks to serve the customer ("wireless-to-wireline porting"), and on the current four-day interval for the porting of numbers from wireline carriers to wireless carriers ("wireline-to-wireless porting").[2] The comments confirm that there are no network impediments to wireless-to-wireline porting. For example, wireline carriers are capable of serving customers who wish to port in wireless numbers from remote rate centers by offering FX or FX-like services or service arrangements. However, due to the costs and

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[1] *Telephone Number Portability, CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, CC Docket No. 95-116, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, FCC 03-284 (rel. Nov. 10, 2003), paras. 42-44. On December 22, 2003, the Commission extended the time in which to file comments and reply comments to January 20, 2004 and February 4, 2004, respectively. *Telephone Number Portability*, CC Docket No. 95-116, *Order,* DA 03-4059 (rel. December 22, 2003).

[2] *Further Notice,* paras. 49-50.

limitations of these arrangements, and the limited demand for wireless-to-wireline porting, wireline carriers should be encouraged but not required to employ such arrangements. Similarly, the Commission should encourage but not require wireline carriers to reduce the current four-day porting interval for wireline-to-wireless ports.

Wireless to Wireline Porting-Rate Center Issue

The record in this proceeding makes clear that the rate center issue identified by the incumbent LECs is not a technical impediment to the provision of wireless-to-wireline porting: it is an issue of rating and routing that applies to local services in general.[3] The ILECs had initially claimed that they were precluded from offering wireless-to-wireline porting to wireless subscribers located outside of the wireline rate center associated with their wireless numbers.[4] They now take the position that carriers can make wireless-to-wireline porting available to customers, although not without incurring significant costs related to modifications to networks and operational support systems.[5]

The comments demonstrate that FX and FX-like service arrangements provide a technically feasible means of serving customers with numbers ported from wireless carriers. An FX arrangement allows a customer to be assigned a telephone number and to

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3 *See* Comments of CTIA, at 1-2 ("CTIA submits there are no technical impediments to intermodal porting where the rate center associated with the wireless number does not match the rate center in which the wireline carrier seeks to serve the customer."); Centennial, at 3-4; Nextel, at 2; Sprint, at 11-12; T-Mobile, at 4.

4 *Further Notice,* para. 41.

5 *See, e.g.* Comments of BellSouth, at 6-8 (porting will require the addition of capacity for network elements that maintain WLNP records and changes in OSS rate center logic); SBC, at 3-5 (modifications are required to avoid rejection of orders involving mismatched telephone numbers, to make billing systems able to recognize multiple calling areas, and to permit 911 public service answering points to handle additional numbers.)

receive calls as if he or she is located in a given exchange, regardless of the physical location of the customer. The traditional FX services offered by the incumbent LECs involve the provision of local dial tone to a customer from a remote local switch, meaning a switch other than the switch from which the customer would ordinarily receive local dial tone.[6] While FX service offerings may raise issues related to rating and routing[7], there is no doubt that ILECs can and do offer FX services to serve customers with numbers ported from wireless carriers. As Verizon states, "[t]he Further Notice also asks for 'comment on the extent to which wireline carriers can serve customers with numbers ported from wireless carriers on a Foreign Exchange (FX) or virtual FX basis.' [citation omitted] Verizon can do this, and, in fact, its procedures are to offer such an arrangement to any customer who wants to port in an out-of-area CMRS number."[8] CLECs offer FX-like provisioning arrangements that can be used to serve numbers ported from wireless carriers as well. For example, AT&T offers FX-like provisioning options where the NPA-NXXs assigned to the CLEC reside in the same CLEC switch (wire

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[6] In the ILECs' networks, this is accomplished through the provision of remote dial tone - - dial tone from the foreign switch (*i.e.*, in a distant or foreign rate center) connected to the native serving wire center (*i.e.*, in the home rate center) via an interoffice private line facility. The FX customer pays the ILEC the cost of that interoffice transport.

[7] The ILECs offer FX service as an exchange service in their local exchange service tariffs. When an ILEC's customer dials a number assigned to the customer's own legacy rate center, and the ILEC routes that call to a customer who happens to be located in a different ILEC rate center, the ILEC treats this as a local call, and the ILEC end user that originated the call pays the ILEC's local charges for that call. *See, e.g.* Comments of BellSouth, at 10-11; Centennial, at 1-2; Nextel, at 7-8.

[8] Comments of Verizon, at 11. *See also* Sprint, at 11-12 ("[T]he availability of foreign exchange ("FX") service demonstrates that there are no 'technical impediments' that 'preclude' LECs from serving wireless customers with a telephone number associated with a rate center different from the one where the wireless customer wants to receive a LEC service [citation omitted]. Most LECs offer FX service, and LECs can serve these wireless customers with their existing FX services."); SBC, at 9 ("This solution has been available for decades and remains available."); CTIA, at 2-3.

center) that serves the customer's physical location at no additional charge to the end user.[9]

The record in this proceeding shows that customer demand for intermodal porting in general has been substantially lower than anticipated, and the demand for wireless-to-wireline porting has been virtually nonexistent. Since the Commission's intermodal porting rules went into effect, *one percent or less* of the customers seeking intermodal porting have requested wireless-to wireline ports.[10] While the technical feasibility of FX services and FX-like service options has now been established, the comments continue to express considerable concern with the other, non-technical limitations of FX and FX-like services. In light of these concerns, the Commission must ultimately decide whether to order carriers to provide customers with FX or FX-like services to facilitate wireless-to-wireline porting, or to simply identify FX or FX-like services as one potential solution that wireline carriers seeking to port-in wireless customers may implement.

FX or FX-like services may not constitute a universal solution for all customers. Not all carriers offer FX or FX-like services.[11] In addition, FX or FX-like services may

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[9] Comments of AT&T, at 5. The CLEC service is not an FX arrangement in the traditional sense, because the NPA-NXXs assigned to the CLEC reside in the same CLEC switch (wire center) that serves the customer's physical location. Therefore, CLECs (such as AT&T) neither use nor require private line arrangements such as those used by the ILECs to connect two separate wire centers, the wire center serving the customer and the wire center serving the NPA-NXX.

[10] *See, e.g.* Comments of Verizon, at 9 ("The demand for CMRS-to-LEC porting has been very small, roughly one percent of all intermodal ports."); Sprint, at 11 ("As of January 15, 2004, the number of customers seeking to port from Sprint PCS to a LEC has constituted less than one percent (1%) of the LEC-to-Sprint PCS port requests."); SBC, at 6 ("SBC notes that the volume of wireline-to-wireless porting is presently below market analysts' expectations."); BellSouth, at 3-4, 12.

[11] *See, e.g.* Comments of South Dakota Telecommunications Association ("SDTA"), at 3-4 ("As an initial matter the Companies do not offer a 'virtual FX' service and it is not clear what the Commission believes such a service would entail.")

be unable to support the provision of significant calling features, and may not provide conventional access to E-911 public service answering points ("PSAPs"). As BellSouth states, "[w]ith FX, the PSAP serving the carrier's switch may not be the same PSAP serving the customer's physical location. This mismatch may result in delayed response time for an emergency call."[12] SBC and BellSouth further claim that FX services impose unjustifiably high costs on carriers and consumers.[13] While these are not technical impediments to wireless-to-wireline porting as such, they raise issues of significant concern to carriers and customers.

As several carriers suggest, the Commission should not rush to judgment in deciding these issues.[14] The parties agree that FX or FX-like services are, at best, an *option* for carriers wishing to port wireless customers to wireline services; there is little, if any, support in the comments for the imposition of FX or FX-like services as a

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[12] Comments of BellSouth, at 16. *See also* Comments of National Emergency Number Association, at 2-3; SBC, at 4-6.

[13] *See, e.g.,* Comments of SBC, at 9 ("[FX] is, however, a very inefficient solution, as it ties up an interoffice circuit on an around-the-clock basis, regardless of whether the telephone line is actually in use (*i.e.,* off hook)."); BellSouth, at 16 ("FX service does not mitigate or eliminate the competitive disadvantage facing wireline carriers because the LEC will need to recover additional costs from the customer for the provision of FX service.")

[14] *See, e.g.,* Comments of BellSouth, at 24 ("The Commission must give careful and complete consideration to the technological, financial and competitive consequences of its proposals."); NTCA, at 1 ("The Commission should stay, on its own motion, all of the wireline-wireless porting obligations until these and other outstanding issues are resolved."); Qwest, at 1 ("Qwest recommends that the Commission refrain from playing any further role with respect to LNP and rate center matters, at this time."); Sprint at 13 ("Sprint submits that, given the forces of competition, the Commission need not take any steps to facilitate LEC-wireless porting.");USTA, at 5 ("USTA urges the Commission to resolve all intercarrier compensation issues before requiring ILECs to accept numbers ported from outside their rate centers.")

provisioning requirement.[15] As Nextel states (at 6), "[w]hile Nextel recognizes that this could be a costly option - - due in most part to the fact that each ported number would need its own dedicated FX line - - it nonetheless exists as an *option* for ILECs to utilize if they so desire." If the Commission should decide to place its imprimatur on FX or FX-like provisioning as a solution to wireless-to-wireline portability issues, the Commission should make it clear that carriers may, but are not required to offer wireless-to-wireline portability through such arrangements.

The Commission also asks whether wireline carriers should seek rate design and rate center changes at the state level to address rating and routing issues.[16] Although certain providers would oppose virtually any change in rate center parameters, other parties suggest that the time has come to reconsider the rate center paradigm.[17] As the National Emergency Number Association makes clear (at 1), the rate center is "a regulatory artifact that determines the pricing of calls." These parties correctly recognize that the ILECs' rate center structure fails to accommodate the characteristics of emerging

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15 *See, e.g.,* Comments of BellSouth, at 20; SBC, at 9-10; SDTA, at 3-4; Sprint, at 11, 13. *Cf* CTIA at 2-3 (LECs can seek rate design and rate center changes at the state level to resolve any concerns.)

16 *Further Notice,* para. 44.

17 Comments of BellSouth, at 15 ("[r]ate center consolidation has limited application due to state reluctance to modify the rating of calls given the revenue impact on providers, the confusion experienced by customers, and the E911 implications of expanding rate center boundaries."); Nextel, at 7-8 ("Indeed ILEC rate centers most often determine which landline calls are treated as local versus toll, and thus consolidation may deprive carriers of toll revenue, primarily intrastate toll revenue [citation omitted]. Nonetheless, rate center consolidation is a viable option for addressing ILECs' concerns about wireless-to-wireline porting."); Verizon, at 9 ("The Commission should not eliminate the rate center system just to facilitate instances of number porting for which there is no proven demand."); SDTA, at 4-5; Texas Statewide Telephone Cooperative, at 2.

services, such as VoIP, that cannot and should not be tethered to the rate center in which the customer resides. As Qwest states,

> "VOIP has the potential to fundamentally change the offering of telecommunications service, including past principles guiding number assignments and customer expectations [citation omitted]. Any-where numbers for any-where services will necessarily require carriers to revisit the viability of continuing to manage numbers associated with small or geographically-bound rate centers. Continued pressure will be felt to enlarge calling and service areas. Carriers undoubtedly will respond to these pressures as they seek to remain competitive."[18]

In determining whether the rate center structure should be redesigned, the relevant public utility commissions should consider the differences between the network structures of the ILECs - - who have developed a switching topography based upon the location of the rate center - - and the CLECs and CMRS carriers, who have not.[19]

Wireline-to-Wireless Porting Interval

In CC Docket 95-116, the CTIA claimed that the Commission should impose on wireline carriers the two and one half hour porting interval proposed by CMRS carriers for wireless-to-wireless ports.[20] The Commission has approved the two and one half hour porting interval proposed by the CMRS carriers for wireless-to-wireless ports, but has

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[18] Comments of Qwest, at 6. *See also*, AT&T, at 6.

[19] Due to the cost of infrastructure and switching, and the relatively small size of their customer base, CLECs generally enter a market with a single switch that is often located in a metropolitan area that serves many wire centers and rate centers. CMRS carriers generally enter a market with a single switch serving a geographic area defined by cellular sites they have built or leased.

[20] *See* Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association (filed January 23, 2003) ("*Rate Center Petition*") at 7. A wireline-to-wireless "porting interval" is the amount of time it takes to complete the process of porting a telephone number from a wireline carrier to a wireless carrier when a customer changes providers but intends to keep the same telephone number. The current wireline porting interval permits up to 24 hours from receipt of the local service request ("LSR") until transmission of the firm order confirmation ("FOC"), and an additional three days for the activation of the ported number. For simplicity, this is referred to as a "four-day" porting interval.

declined to impose that interval on wireline-to-wireless ports.[21] Since the Commission's wireless-to-wireless LNP rules went into effect, CMRS carriers have struggled to meet the two and one half hour standard. As BellSouth states (at 20), "[d]uring these first few months of WLNP deployment, even wireless carriers have had difficulty meeting the 2-1/2 hour interval recommended by the wireless industry. Problems have also arisen in the context of intermodal porting. In some instances, there has been some difficulty achieving the four-day interval for intermodal ports."[22] As a result of these difficulties, CTIA (at 3) now characterizes the wireless industry's two and one half hour porting interval as a "goal" and takes a more realistic position, stating "while CTIA believes it should be possible to reduce the current wireline porting interval for intermodal ports, the Commission should await input from the North American Numbering Council and permit further comment on this subject."[23]

The wireline carriers cite a combination of factors that have introduced significant difficulties into the process of implementing even simple intermodal ports.[24] BellSouth,

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[21] *Telephone Number Portability-Carrier Requests for Clarification of Wireless-Wireless Porting Issues,* CC Docket No. 95-116, Memorandum Opinion and Order, FCC 03-237 (rel. October 7, 2003) para. 26; *Further Notice*, para. 38.

[22] *See, e.g.,* Press Release, "New Jersey Ratepayer Advocate Warns of Portability Problems" ("While wireless carriers initially projected they would need only 2 ½ hours to complete a port, the average time lag during the first six weeks has been more like 2 ½ days.").

[23] Comments of CTIA, at 1-2.

[24] "Simple ports" are defined as those ports that do not involve unbundled network elements, involve an account for a single line (porting a single line from a multi-line account is not a simple port), do not include complex switch transactions (e.g., Centrex or Plexar, ISDN, AIN services, remote call forwarding, multiple services on the loop), may include CLASS features such as Caller ID, and do not include a reseller. All other ports are complex. *See North American Numbering Council Local Number Portability Administration Working Group, Third Report on Wireline-Wireless Integration ("NANC Third Wireless Integration Report"),* at 6; *Further Notice*, para. 45 and fn. 112.

for example, has experienced "inadvertent ports" and other difficulties attributed to carriers that commence the porting process prior to receiving a firm order confirmation, communications breakdowns between wireless carriers and third party vendors, and the inability of some vendors to interface with the retail side of BellSouth's operations.[25] Qwest shows that it must currently process over 65,000 wireline ports per month, and claims that a reduction in the interval could "compromise the ability of a wireline carrier to verify the accuracy of telephone numbers to be ported and to complete the port within the customer expected timeframe."[26] SBC argues that an unwarranted reduction in the porting interval would improperly expose SBC and other incumbent LECs to potential fines for failing to meet performance standards governing the speed and accuracy of LNP provisioning.[27] The Texas Statewide Telephone Cooperative states that it cannot reduce the porting interval in any event because its member companies rely on manual processing and do not have staff on call 24 hours per day.[28] Verizon shows that changing intervals would require changes in processes that must be completed during the first 24 hours, an interval that is met only under ideal conditions.[29] Wireline carriers are therefore reluctant to see intermodal porting made even more difficult by a regulatory mandate ordering a reduction in the porting interval.

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25 Comments of BellSouth, at 21-22.

26 Comments of Qwest, at 10-11.

27 Comments of SBC, at 13.

28 Comments of Texas Statewide Telephone Cooperative, at 2-3.

29 Comments of Verizon, at 13 *citing NANC Third Wireless Integration Report*, at 10.

The comments overwhelmingly confirm that now is *not* the time for the Commission to reduce the porting interval.[30] There is no evidence that wireline customers will decline to port to wireless carriers, and thus no current need to reduce the porting interval.[31] The comments generally agree that the Commission should permit the NANC and the industry to address the difficulties experienced by each type of carrier before it determines the appropriate interval for intermodal porting.[32] As SBC states (at 14), "[g]iven the diversity of carrier capabilities, the complexity of the porting process, and the importance of accurately updating call-related databases, reducing the porting

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[30] *See, e.g.,* Comments of AT&T, at 7-10; BellSouth, at 22-24; Qwest, at 8-11; SBC, at 12-13; SDTA, at 6-8; Texas Statewide Telephone Cooperative, at 2-3; USTA, at 5-6; Verizon, at 12-17. T-Mobile (at 5-6) stands alone in urging the Commission to establish a two-day porting interval for simple intermodal ports, citing proposals that the NANC Working Group has outlined, but that the FCC has neither examined nor accepted. *See* North American Numbering Council, Local Number Portability Administration Working Group, Third Report on Wireless Wireline Integration, Section 3.1 (September 30, 2000).

[31] Comments of BellSouth, at 23 ("[T]here is no evidence to date that the four-day porting interval is hindering intermodal porting."); Qwest, at 11("Since LNP began, wireline carriers have been porting numbers utilizing a four-day interval for simple ports. Prior to wireless LNP, this was the settled customer expectation. During these years, there has been no customer outcry that the porting interval was unreasonable or unmanageable."); SBC, at 13 ("In the *LNP Order & Notice,* the Commission speculates that '[r]educing the porting interval could benefit consumers by making it quicker for consumers to port their numbers.' [citation omitted] Quicker, however, is not always better. In the long run, consumers are better served by guaranteeing that number porting is accurate and well coordinated."); USTA, at 6 ("Neither CTIA nor the FCC has shown that the porting interval is a factor as to whether a customer switches service providers. USTA believes that it is more important that the number be ported correctly to the customer."); Verizon, at 12 ("Wireline customers have not been reluctant to change carriers or to port because of the time it takes for a port to complete. In fact, more than 25 million telephone numbers were ported nationwide over the past three-year period.")

[32] *See, e.g.,* Comments of Qwest, at fn. 20 ("[W]hile the various NANC Wireline Wireless Integration Reports do a fair job of identifying systems that would be impacted by shortening current wireline porting intervals (primarily ordering and provisioning systems) the Reports offer little substantive guidance regarding how the system issues identified should be resolved."); SBC, at 12-13 ("SBC is confident that a NANC-mediated industry consensus can be reached to refine the porting process and ultimately reduce the porting interval."); Sprint, at 8-9 (the Commission should give NANC until June 1, 2004 to develop new port provisioning interval requirements.); *Cf.* Nextel, at 4 ("Now that the Commission has clarified in the *Intermodal Porting Order* that its rules require full intermodal portability, NANC is in a position to make technical recommendations to the FCC regarding the best means for achieving it.")

interval without industry consensus would endanger the accuracy of number porting and impose unnecessary costs on some carriers." Once the NANC issues its recommendations, the parties should have an opportunity to submit further comment on the NANC proposals before the Commission rules. In the interim, wireline carriers should be encouraged but not required to reduce their porting intervals.

CONCLUSION

Customer demand for intermodal porting has been significantly lower than anticipated, and the demand for wireless-to-wireline porting in particular has been virtually nonexistent. Wireline carriers are capable of serving customers who wish to port in wireless numbers from remote rate centers by offering FX or FX-like services. Due to the costs and limitations of these services, and the limited demand for wireless-to -wireline porting, however, wireline carriers should be encouraged but not required to port in wireless numbers using FX or FX-like arrangements. Similarly, the Commission should encourage but not require wireline carriers to reduce the current four-day porting interval while permitting the NANC to complete its examination of the issue.

Respectfully submitted,

AT&T CORP.

By /s/ Richard A. Rocchini

Lawrence J. Lafaro
Stephen C. Garavito
Richard A. Rocchini

Its Attorneys

One AT&T Way
Room 3A227
Bedminster, NJ 07921
(908) 532-1843

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CERTIFICATE OF SERVICE

I, Tom Waddell, do hereby certify that on this 4th day of February 2004, a copy of the foregoing "Reply Comments of AT&T Corp." was served on the following:

+Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
The Portals, 445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

*Deena Shetler
Federal Communications Commission
Deputy Division Chief
Wireline Competition Bureau
The Portals, 445 12th Street, S.W.
Room 5A221
Washington, D.C. 20554
deena.shetler@fcc.gov

Qualex International
The Portals, 445 12th Street, S.W.
Room CY-B402
Washington, D.C. 20554

+VIA ELECTRONIC FILING
***VIA ELECTRONIC MAIL**

/s/ Tom Waddell
Tom Waddell